



## ***Land Use and Zoning Meeting Minutes***

*August 23, 2012*

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| STAFF: | David Radachy   |
| DATE:  | August 24, 2012 |
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The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m. by Chairman Welch.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Hanford, Kenyon, Klco, Terriaco and Welch, and Mmes. Diak and Malec. Staff: David Radachy.

Mr. Welch asked for any comments from the public. No comments were made.

Mr. Welch asked Mr. Radachy to present the cases. There were three cases on the agenda.

### **Concord Township District Change – 1.8795 Acres of Land B-1 to R-3**

Staff stated that the property owner, STJS Investments, was asking for the zoning to be changed from B-1 to R-3. Staff stated that the adjacent land that is currently R-3 was rezoned to R-3, multi-family in 2004. The newly rezoned property was to become standard attached condominium units. The property owner who developed Gabriel's Edge Condominium, also known as Prescott Mill Condominiums, then asked for a text amendment that allowed for detached units to be built. Staff showed the Committee how the property started developing as single-family detached condos.

Staff stated that the parcel to the east of the site was once Borlan's Nursery and Flower shop. He showed the driveway of the old use on the air photo. He stated that property has now been developed as a bank. He also stated that the property does not have good visibility and it would be difficult to develop as retail. An office use may be more feasible. Staff also stated that Concord Township requires a 50 foot buffer between residential uses and commercial uses. He stated that he did not confirm if that included multi-family uses.

Staff showed that the property is currently vacant and is adjacent to other multi-family, a nursing home use, Concord Plaza and the new bank.

Staff stated that the 2004 Comprehensive Plan did not recommend a district change for the site, but the goals and objectives stated:

1. There should be smaller scale senior housing, cluster housing, and attached housing in areas where sanitary sewer and water exist near retail and transportation systems.

2. The comprehensive plan also recommends “supporting targeted economic development in commercial areas designated by the Township and maintaining the 8% commercial and 92% residential that exists in Concord Township.

Staff made a recommendation that the district change be made based on the goal and objective of adding smaller scale senior housing, cluster housing and attached housing in areas where sanitary sewer exist and located near retail and transportation. This area only lacks the transportation requirement.

The committee asked about the expansion of the nursing home use. Staff stated that the site may be too small. That use is a condition use. He knew that you needed 5 acres in an R-1 district and he believed you needed at least two acres, maybe three acres in B-1.

Mr. Klco made a motion recommending approval of the district change.

Mr. Terriaco seconded the motion.

All voted “Aye”.

Motion passed.

### **Painesville Township – Regulations for Wind Turbines and a Text Correction to Section 32.19**

Staff stated that ORC confers on a township the right to adopt rules or regulations for small wind turbines under 5 mega watts. Staff also stated that Madison Township and Leroy Township added regulations for small wind farms. There are also issues with the regulations. There is no indication if this is to be allowed as a permitted use or accessory use. The changes do not state which districts they are allowed in. There are no setbacks from other overhead wires such as cable, electric, telephone, etc. There are no requirements prohibiting signs from the towers and limiting light going on adjacent properties.

Staff stated the issue with the last case was the Township changed a section number and did not change the language that referred that section to the new number.

The Committee discussed that while the noise is at a lower level, it would be constant. Staff stated that the noise would not be able to enter into the homes and the Committee stated then the homeowner loses the use of the decks, patios, etc. There were questions concerning bird strikes on the wind turbines. The answer was yes and bats strike also.

Recommend text amendments to be accepted with the following suggestions:

- 1) List the districts in which this is allowable or add this as an accessory use to the districts that you wish to allow this use.
- 2) There should be a setback from overhead utility lines or wires such as, but not limited to, high tension electrical wires, cables, and telephones.
- 3) Add language prohibiting signs being allowed on the tower. The Township should allow for owner identification size and warning signs, but they should limit their size and location.
- 4) Add language to limit the amount of lighting that can trespass onto the neighboring properties.

Mr. Terriaco made a motion recommending approval of the text amendment with staff's suggestions.  
Mr. Klco seconded the motion.  
All voted "Aye".  
Motion passed.

Mr. Welch asked for any new business. Staff stated that the Committee members from LeRoy Township were re-appointed. He also stated that the Planning staff will be going through a transition from Planning Commission staff to the Commissioners' staff. That should not affect the Committee.

Mr. Welch asked for any old business. There was none.

There was no public comment.  
The meeting adjourned at 7:00 PM.